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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:

Fernand LABRIE

Date: January 19, 2001

Serial No.: 09/405,678

Group Art Unit: 1614

Filed: September 24, 1999

Examiner: --

JAN 25 2001

TECH CENTER 1600/2300

For: MEDICAL USES OF A SELECTIVE ESTROGEN RECEPTOR MODULATOR IN COMBINATION WITH SEX STEROID PRECURSORS

Assistant Commissioner for Patents  
Washington, D.C. 20231

**AMENDMENT IN RESPONSE TO  
ELECTION/RESTRICTION REQUIREMENTS**

Sir:

In response to the Election/Restriction Requirement dated December 19, 2000, please amend the above-identified application as follows:

**IN THE CLAIMS**

Please cancel claims 3, 4, 40, 41, 43, 44, 46, 47, 49, 50, 52, 52, 55, 56, 58, 59, 61, 62, 64, 65, 67, 68, 70, 71, 73, 74, 76, 77, 79, 80, 82, 83, 85, 86, 88, 89, 91, 92, 94, 95, 97, 98, 100, 101, 103, and 104. *Should this be 53?*

**REMARKS**

**Restriction Requirement**

Responsive to the Examiner's Restriction Requirement, Applicant elects the invention of Group I (claims 2, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 78, 81, 84, 87, 90, 93, 96, 99, and 102) drawn to a method for treating or reducing the risk of acquiring hypercholesterolemia.

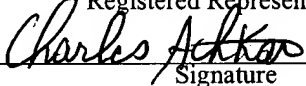
Applicant has canceled non-elected claims 3, 4, 40, 41, 43, 44, 46, 47, 49, 50, 52, 52, 55, 56, 58, 59, 61, 62, 64, 65, 67, 68, 70, 71, 73, 74, 76, 77, 79, 80, 82, 83, 85, 86, 88, 89, 91, 92, 94, 95, 97, 98, 100, 101, 103, and 104. Applicant reserves the right to file divisional applications directed towards the non-elected claims.

Election of Species

In response to the Election of Species Requirement, Applicant elects the molecular structure identified as EM-1538 at claim 72. Claims 2, 99 and 102 within the elected Group I are generic to the elected species.

It is believed that the application is now in condition for allowance. The issuance of a Notice of Allowance is respectfully solicited.

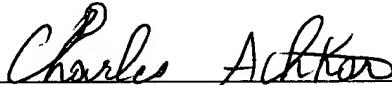
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 19, 2001:

\_\_\_\_\_  
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Name of applicant, assignee or  
Registered Representative  
  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
January 19, 2001  
Date of Signature

WOG/CCA:lac

Respectfully submitted,

  
\_\_\_\_\_  
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